

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

SWD – Appeal Petition filed by Sri.Ch.V.Sudarsan Babu, S/o Nagaiah, R/o Jangala Kandriga (V), Sangam (M), Nellore District – Filed under Section 7 of Act 16 of 1993 against the Proceedings of the Collector, Nellore District – Appeal rejected – Orders - Issued.

SOCIAL WELFARE (C.V-1) DEPARTMENT

G.O.Ms. No. 35

Dated: 13 -03-2009.

Read the following:

1. Proceedings of the Collector, Nellore District D.Pari (C5) M/129/2008, Dated: 15-06-2008.
2. Appeal Petition from Sri.Ch.V.Sudarsan Babu, S/o Nagaiah, Nellore District, dated. 26.07.2008.
3. Memo. No. 6750/CV.1/2008-1, Dated 30-8-2008.
4. From the Collector, Nellore, Lr. No. C5 (M) 1982/08, dated: 06.11.2008.
5. Letter No. 6750/CV-1/08, Dated: 29-12-2009.

ORDER:

The District Collector in his proceedings has cancelled Sri. Ch.V.Sudarsan Babu, S/o Nagaiah, Scheduled Caste Budaga Jangam Caste certificate and declared the appellant belongs to Jangam BC community.

2. The petitioner has filed an appeal / Review petition before the Hon'ble Minister for Social Welfare, Govt. of A.P, Hyd. against the proceedings of the Dist. Collector, Nellore vide his Proc. D.Pari.(C5)M/129/08, dated:15-6-2008 in confirming the order of the Revenue Divisional Officer, Kavali, Nellore Dist. in his letter No. D.Dis (G)4687/2007, dated:15-12-07, which was received by the appellant on 2-7-2008 is not issuing the SC certificate as illegal, contrary to law, arbitrary and violative of principle of natural justice for the following reasons and grounds of the case.

- a. The petitioner submitted that a student at the time of counseling for admission to the B.Tech course, the father of the petitioner made a representation to the Revenue Divisional Officer, Kavali requesting him to issue a Caste certificate to the petitioner mentioning his caste as Budaga Jangam, which is SC. The Revenue Divisional Officer addressed a letter to the Convener EAMCET – 2007 informing him that in view of the provisions of AP (SC, ST &BC) issue of Community, Nativity and Date of Birth Certificate Rules 1977 that the issue of issuing Budaga Jangam Caste Certificate to the petitioner is under enquiry and therefore the Convener was requested to admit the candidate on the basis of the declaration given by the petitioner/parent of the petitioner. On enquiry an erroneous view of law and fact rejected the claim of the petitioner that he belongs to Budaga Jangam by his proceedings in D.Dis (G) 4687/07, dated: 15-12-2007. Aggrieved by the order of the RDO the petitioner preferred an appeal to the District Collector, Nellore District who confirmed the orders of the Revenue Divisional Officer, dated: 15-12-2007 vide his orders in D. Pari (C5)M 129/2008, dated:15-6-2008 and same was questioned by the petitioner.
- b. The Petitioner has stated that the brief facts of the case are that the petitioner is a resident of Jangala Kandriga Village of Sangam Mandal, Nellore District. The family of the Petitioner belongs to Budaga Jangam community which is Scheduled Caste as per G.O.Ms.No.838, dated: 15-12-1977. In Jangam community there are three sub-castes which are (1) Beda (Budaga) Jangam (2) Mala Jangam and (3) Jangam. Previously they are no special concessions/reservations in Andhra region recognizing the sub-castes in Jangam community and all the people belonging to any of the sub caste were being called as Jangam or

(P.T.O.)

Jangalu and certificates were issued without mentioning the sub castes. The Jangam or Jangalu caste people were also not particular in mentioning their sub castes and in the inclusion of their caste in the list of Scheduled Castes in the year 1977, the people who are following the traditions/habits and customs approached the authorities for issuance of caste certificate treating them as Budaga Jangam community. In the petitioners village there are 60 Jangam families, since times immemorial and they are all related by blood. They follow the traditions and customs of the Budaga Jangam community since times immemorial. The guide lines issued by the Government in respect of the Budaga Jangam community are in tune with traditions and customs followed by the petitioner's family.

- c. The petitioner has further stated that the authorities to issue a certificate stating that he belong to Budaga Jangam community which is Scheduled Caste. The authorities without conducting any enquiry in the village and without considering the affidavits / applicants filed by the petitioner rejected the claim of the petitioner. Some of the blood relatives of the petitioner by names (1) Mutyala Anusha D/o Sakhraiah (2) Poeta. Mallikharjunaiah, S/o Pitchaiah (3) Mutyala. Gurnadh, S/o Sankaraiah (4) Mutyala Cheran Sai, S/o Mohan (5) Mutyala Leela Prakash, S/o Gurnadham (6) Gandhavalla Jahnavi, D/o Dasaradharamaiah etc., were issued Caste Certificates treating them as Budaga Jangam community after thorough enquiry by the District Level Scrutiny Committee, Nellore District. The Hon'ble High Court also in WP Nos. 9548/88,9967/87 & 19883/94 recognized the petitioner community as Budaga Jangam as they are following the traditions and customs of Budaga Jangam community which is a Scheduled Caste. Following the guide lines issued by the Hon'ble Court, numbers of persons belonging to Jangam community who follow the traditions of Budaga Jangam community were issued certificates treating them as Scheduled Caste.
- d. In this connection, the authorities have not considered this issue in prospective view and in fact refused to receive the evidence produced by the petitioner. The petitioner has not given proper opportunity to present his case.
- e. The Petitioner has prayed that the Hon'ble Minister, to set aside the proceedings of the Revenue Divisional Officer in D.Dis(G)4690/07, dated:15-12-07 as confirmed by the District Collector in R.C.No.C5(M)124/08, dated:21-6-08 as illegal, contrary to law, arbitrary and in violation of principles of natural justice and consequently direct the authorities to issue a caste certificate after declaring that the petitioner belongs to Budaga Jangam community which is a Scheduled Caste after conducting proper enquiry by the District Level Scrutiny Committee in the interests of Justice and pass such other order or orders as the Hon'ble Minister deems fit.

3. Government has rejected the stay requested by the appellant on the proceedings of the Collector, Nellore District. However the District Collector was requested to furnish the parawise remarks and records on the appeal.

4. The District Collector, Nalgonda in the reference 3rd read above has submitted remarks on the grounds filed by Sri.Ch Sudarshan Babu, S/o. Nagaiah is as follows:

- a. The brief facts of the case Sri Ch. Nagaiah, Jangalakandriga (V), Sangam (M) has filed a petition before the Revenue Divisional Officer, Kavali on 13.6.2007 requesting for grant of Budaga Jangam (SC) Caste certificate in favor of his son Sri Ch. Venkata Sudarsana Babu who has to attend counseling for EAMCET-2007, due to urgency of the petitioner, the Convener, EAMCET, 2007, JNTU, Hyd. was addressed by the Revenue Divisional Officer, Kavali to admit the candidate for counseling duly obtaining affidavit from the applicant in Form-II U/r. 19 of AP (SC, ST & BC) issue of community, Nativity and Date of Birth Certificate Rules, 1997.
- b. In the instant case, the Collector, Nellore has ordered to enquire into matter by the District Level Scrutiny Committee U/s. 9(1) of Act 16/1997 for further verification Form VI notices were issued to the petitioner to attend the before the DLSC for hearing their version before taking a decision on the social status of the said individual.

c. Therefore, the Collector, Nellore has reported that basing on the report of the RDO, Kavali, statements of the applicant and other concerned records, the DLSC report, dated: 13-05-08 has opined that the applicant belongs o Jangama (BC-A) community, but not Budaga Jangama (SC). The DLSC has observed that the documentary evidences and oral evidences of the petitioner and other material available on record and conclude that Sri Ch. V. Sudarsan Babu, S/o. Nagaiah belongs to Jangama (BC-A) community, but does not belong to Budaga Jangam (SC) with that effect as per the Act 16/1993.

d. The Collector, Nellore has further reported that the petitioner has given much opportunity to file any evidences in support of his claim. The DLSC, Nellore has taken up the case for enquiry and issued Form VI to the applicant to attend enquiry and to file any evidences in support of his claim on 28.2.2008, 24.3.2008, 5.5.2008 and finally on 13.5.2008. The applicant and the Advocate on behalf of the applicant have attended the enquiry on the above dates and reported that they have no more evidences in support of their caste claim He was failed to produce any evidences in support his claim.

5. The case has been taken up for personal hearing on 12-02-09, the appellant present before Appellate Authority and has not produced any evidences in supporting of his claim.

6. In the above circumstances and in exercise of the powers conferred under Section 7(2) of A.P. (SC, ST and B.C. Regulation of issue of Community Certificates) Act 16 of 1993 and rules made under as per G.O.Ms.No. 58, SW (J) Department, dated: 12-05-1997, the appeal petition filed by Sri Ch. Venkata Sudarsana Babu S/o. Nagaiah belongs to Jangama (BC-A) Community in Nellore District is hereby rejected, duly upholding the Proceedings of the District Collector, Nellore District, D.Pari (C5)M/129/2008, Dated: 15-06-2008.

7. The records received from the District Collector, Nellore District, through reference 4th read above, are returned herewith in original (containing CF PP 1-74 and NF PP1-6) and he is requested to acknowledged receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**V.NAGI REDDY,
PRINCIPAL SECRETARY TO GOVERNMENT.**

To
The District Collector,
Nellore District

Sri. V. Sudarsan Babu,
S/o. Nagaiah,
R/o. Jangala Kandriga (V),
Sangam (M),
Nellore District.

Copy to:
The P.S. to m (SW)
The P.S. to Principal Secretary
SF

//FORWARDED: BY ORDER//

SECTION OFFICER